JASON CRUMRINE,		ORDER
	Plaintiff,	
- against	-	
VIVINT SOLAR, INC.	, et al.,	19-CV-5777 (FB) (JO)
	Defendants.	
	X	
ZHAOER LI,		
	Plaintiff,	
- against		
VIVINT SOLAR, INC., et al.,		19-CV-6165 (FB) (JO)
	Defendants.	

In each of the captioned actions, the named plaintiffs assert securities claims on behalf of a putative class. *See* Docket Entry ("DE") 5.¹ On December 10, 2019, four groups of movants filed competing motions seeking to consolidate the two actions and appoint a lead plaintiff and lead counsel. *See* DE 6; DE 8; DE 10; DE 14. The court referred the motions to me by order dated December 11, 2019. Since then, the parties have effectively resolved the matter on consent: all of the motions have been withdraw except for that of Billy Wallace ("Wallace") and Kyu S. Jang ("Jang"). *See* DE 17; DE 18; DE 19; DE 20. I therefore grant the latter motion and find the others moot.

All movants agree that the two actions should be consolidated. *See* DE 7 at 3-4; DE 9 at 3-4; DE 12 at 4; DE 16 at 3-4; *see also* 15 U.S.C. § 78u-4(a)(3)(B)(ii). The two complaints are substantially similar: they allege the same claims against the same defendants, on behalf of the same putative class. I therefore find consolidation is appropriate. *See* Fed. R. Civ. P. 42(a).

Moreover, there is now no dispute that Wallace and Jang should be appointed lead plaintiffs: they appear to possess the largest financial interest in the relief sought by the putatitive class and are, thus, presumed to be the most adequate to represent the class – a presumption that no other

¹ Unless otherwise indicated, all citations to filings in these cases refer to the *Crumrine* docket.

movant has sought to rebut. See 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I), (II). They also satisfy the typicality

and adequacy requirements for service as class representative. See Fed. R. Civ. P. 23(a)(3), (4).

Appointing Wallace and Jang together to serve as co-lead plaintiffs, to which no other movant now

objects, is consistent with applicable law. See 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I); In re Sequans Comme'ns

S.A. Sec. Litig., 289 F. Supp. 3d 416, 423-24 (E.D.N.Y. 2018) (discussing factors that evaluate

whether a grouping of unrelated investors best serves the interest of the class). Finally, there appears

to be no reason to deny the approval of Wallace and Jang's selection of Bragar Eagel & Squire, P.C.

as lead counsel. See 15 U.S.C. § 78u–4(a)(3)(B)(v); see also Rauch v. Vale S.A., 378 F. Supp. 3d 198, 211

(E.D.N.Y. 2019) (courts generally defer "to the plaintiff's choice of counsel, and will only reject the

plaintiff's choice if [it is] necessary to protect the interests of the class.") (internal quotations

omitted).

For the reasons set forth above, I grant the motion of Billy Wallace and Kyu S. Jang and find

the remaining motions to be moot.

SO ORDERED.

Dated: Brooklyn, New York

March 23, 2020

James Orenstein

U.S. Magistrate Judge